

REMARKS

The Office Action dated April 16, 2009, has been received and carefully reviewed. The preceding amendments and the following remarks form a full and complete response thereto. Claims 1-11 are amended. No new matter is added. Claims 1-11 are pending in the application and are submitted for reconsideration.

Claim Amendments

Claims 1-11 are amended as to form and as further discussed below under the headings “Objections to the Claims” and “Rejections under 35 U.S.C. § 112.” The amendments find support in the original claims and throughout the specification and drawings.

Objections to the Claims

The Examiner objected to the term “the outlet of the valve means” in claim 9 as lacking antecedent basis. Applicants infer that the Examiner’s objection is directed to claim 10 rather than claim 9 because claim 9 does not recite this term and claim 10, prior to the present amendment, did. Thus, Applicants have amended claim 10 to recite “an outlet of the valve” and submit that the ground for objection is overcome and request that the objection be withdrawn.

The Examiner objected to claim 11 as reciting “is” instead of “its.” Applicants have accordingly amended claim 11 and request that the objection be withdrawn.

The Examiner objected to “said means” in claims 1 and 11 as having insufficient antecedent basis. Applicants submit that the foregoing amendments to claims 1 and 11, including reciting “valve” instead of “valve means” and deleting “said means” from claim 11, overcome the ground for objection and request that the objection be withdrawn.

Rejections under 35 U.S.C. § 112

The Examiner rejected claims 1, 4, 9, and 11 under 35 U.S.C. § 112, second paragraph, as being indefinite. With regard to claims 1, 4, and 11, the Examiner indicated that the claims seem to recite means plus functional language and further recite “and/or” limitations, stating that the “combinations and the overall claimed structure [are

made] vague and indefinite.” Applicants have amended claims 1, 4, and 11 to delete several recitations of “and/or” and to more clearly recite the claimed subject matter. Applicants submit that the remaining “and/or” limitations in claims 1, 4, and 11, in the context of the presently amended claims, are definite and clear, particularly pointing out and distinctly claiming the subject matter regarded as the invention. See generally, MPEP § 2173.05(h) (indicating alternative language is permissible where the list of potential alternatives does not vary). Applicants submit that the ground for rejection is overcome and request that it be withdrawn.

The Examiner rejected claims 1, 9, and 11, contending that “valve means” recites a structure “which does not have a function in a means plus functional claim.” Applicants have amended the claims to recite “valve” instead of “valve means” and submit that the ground for rejection is overcome.

The Examiner rejected claim 4, contending that the phrase “a more or less” rendered the claim vague and indefinite. Applicants have replaced “more or less” with “substantially” and submit that the ground for rejection is overcome.

The Examiner rejected claim 9, contending that the phrase “preferably to a largest possible degree” rendered the claim vague and indefinite. Applicants have amended claim 9 to delete the phrase and submit that the ground for rejection is overcome.

In view of the foregoing amendments and remarks, Applicants request that the rejection of claims 1, 4, 9, and 11 be withdrawn.

Rejections under 35 U.S.C. § 103(a)

The Examiner rejected claims 1-11 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Patent 3,625,264 to Swain in view of Patent 4,862,316 to Smith. Applicants submit that the rejection is improper because the combination of Swain and Smith fails to disclose or suggest each of the limitations of the claims.

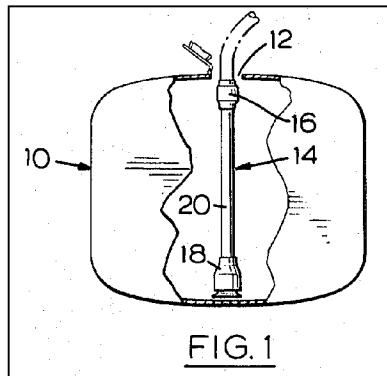
Independent claim 1, from which claims 2-8 depend directly or through intervening claims, defines a fluid container for storage of fluids, wherein the fluid container is made of thermoplastic materials and fibre composite materials having a low electrical conductivity. The fluid container, at its upper end, is provided with a valve forming a part of the fluid container through which fluid filling and discharging occur.

The fluid container is provided with means for hindering build-up of electrostatic charge during filling operations. The means is arranged as an integral part of the upper end of the container wall in association with the valve. The means substantially reduces the fluid velocity and/or changes the direction of the fluid flow during filling.

Independent claim 9, from which claim 10 depends, defines a method for preventing or reducing build-up of electrical and/or electrostatic potential during filling of a fluid in a container at least partly made of a non-conductive material or semi-conducting material. The fluid is filled at a pressure into the container through a valve integral to the upper end of the container. The valve is provided with a passage where the fluid is made to change direction of flow at least once at the upper end of the container, so that the flow into the container is depressurized and the velocity of liquid flowing into the container is reduced.

Independent claim 11 defines a fluid container for storage of fluids. The fluid container is made of thermoplastic materials and fibre composite materials having low electrical conductivity. The fluid container, at its upper end, is provided with a valve forming a part of the fluid container, through which fluid filling and discharging occur. The fluid container is provided with means for hindering build-up of electrostatic charge during filling operations. The valve comprises ducts and restriction means for reducing build-up of electrical and/or electrostatic potential on the interior wall of the container during filling of the container. The ducts and restriction means are arranged as an integral part of the valve and are configured to substantially reduce the fluid velocity and/or change the direction of the fluid flow during filling.

Swain discloses “a flow control valve for reducing the buildup of static electricity in a liquid when loading a liquid into a storage tank.” Swain Abstract. Swain does not teach or suggest that the flow control valve is part of or integral to the storage tank. Rather, in contrast to the present claims in which the “fluid container, at its upper end, is provided with a valve forming a part of the fluid container,” the valve is “integral to the upper end of the container,” and the “fluid container, at its upper end, is provided with a valve forming a part of the fluid container” as recited in independent claims 11, 9, and 1, respectively, the flow control valve disclosed by Swain is wholly separate from the disclosed tank. See, e.g., Swain FIG. 1, reproduced below.



As can be seen in FIG. 1, device 14 is not part of tank 10 as gaps exist between device 14 and the tank opening 12 and tank bottom; rather, device 14 may be inserted, moved, and withdrawn. See col. 1 ll. 57-60 (“tank 10 has an opening 12 formed in its upper wall which is of sufficient diameter to receive the improved flow control device [14]”); col. 4 ll. 19-20 (“filling tube to be fully drained when it is withdrawn from the storage tank”); and col. 4 ll. 64-66 (“[w]hen the filling tube to which the flow control is attached is located within a storage tank, it is moved to a position adjacent to the bottom of the storage tank”) (emphases added). Thus, Swain fails to disclose or suggest at least a valve which is integral to or part of a fluid container as claimed in independent claims 1, 9, and 11.

Smith discloses a housing for the induction coils of a metal detector. Smith Abstract. Smith fails to disclose or suggest valves or tanks of any kind and, therefore, fails to remedy the deficiencies of Swain.

Thus, the combination of Swain and Smith fails to disclose or suggest each element of independent claims 1, 9, and 11 and the rejection of claims 1-11 is improper. Applicants request that the rejection be withdrawn.

Moreover, the combination of Swain and Smith fails to disclose or suggest a valve through which fluid filling and discharging occur as claimed in independent claims 1 and 11. At most, Swain discloses that the invention relates to a flow control device “for controlling the flow of a liquid into a storage tank or the like.” Col. 1 ll. 4-6 (emphasis added). Thus, the rejection of claims 1-8 and 11 is improper for this additional, independent reason.

In view of the above, all objections and rejections have been sufficiently addressed. Applicants submit that the application is now in condition for allowance and

requests that the claims be allowed and this application passed to issue.

In the event that this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account No. 02 2135.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, the Applicants' undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

Respectfully submitted,

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